

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ROBERT STEWARD,	:
Petitioner,	:
v.	: Case No. 2:05-cv-666-TFM-KAP
HARRY WILSON, SUPERINTENDENT,	:
S.C.I. FAYETTE and PENNSYLVANIA	:
BOARD OF PROBATION AND PAROLE,	:
Respondents	:

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto for proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and subsections 3 and 4 of Local Rule 72.1 for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on November 6, 2006, docket no. 11, recommending that the petitioner's petition for a writ of habeas corpus be denied, and that a certificate of appealability be denied.

The parties were notified that pursuant to 28 U.S.C. § 636(b)(1), they had ten days to serve and file written objections to the Report and Recommendation. The petitioner filed timely objections, docket no. 12, but they are meritless. Petitioner's calculation presupposes that he should receive credit for approximately 2 years street time between 1993 and 1995 because the Board rescinded a technical parole violation in 1997. This argument was rejected by the Commonwealth Court as a matter of state law, and this court has no authority to revise a state court's interpretation of its state law.

After de novo review of the record of this matter together with the Report and Recommendation, and the timely

objections thereto, the following order is entered:

AND NOW, this 4<sup>th</sup> day of December 2006, it is

ORDERED that the petitioner's petition for a writ of habeas corpus is denied, and a certificate of appealability is denied. The Report and Recommendation is adopted as the opinion of the Court. The Clerk shall mark this matter closed.

BY THE COURT:

s/ Terrence F. McVerry  
UNITED STATES DISTRICT JUDGE

cc: Robert A. Willig, Esquire  
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